

**STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING**

Department of Public Health

Petition No. 2003-1022-011-036

vs.

Lorraine Petrocelli, LPN, Lic. No. 018150  
Respondent

**MEMORANDUM OF DECISION**

***Procedural Background***

The Board of Examiners for Nursing (hereinafter "the Board") was presented by the Department of Public Health (hereinafter "the Department") with a Statement of Charges and Motion for Summary Suspension dated November 26, 2003. Dept. Exh. 1. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Lorraine Petrocelli (hereinafter "respondent") which would subject respondent's licensed practical nurse license to disciplinary action pursuant to *Conn. Gen. Stat.* §§ 19a-17 and 20-99(b).

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that respondent's continued nursing practice presented a clear and immediate danger to public health and safety. On December 3, 2003, the Board ordered, pursuant to its authority under § 4-182(c) and § 19a-17(c) of the General Statutes of Connecticut, that respondent's licensed practical nurse license be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. Dept. Exh. 1.

The Board issued a Notice of Hearing dated December 3, 2003, scheduling a hearing for December 17, 2003. Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against her. The Summary Suspension Order, Notice of Hearing and Statement of Charges were served at respondent's usual place of abode by State Marshall on December 11, 2003. Dept. Exh. 1.

At respondent's request the hearing scheduled for December 17, 2003 was continued and rescheduled to June 16, 2004. Dept. Exh. 1, Resp. Exh. A.

The hearing took place on June 16, 2004, in Room 1D, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

Respondent was not present during the hearing and was not represented by counsel. Transcript, June 16, 2004, p. 2.

Respondent did not file an Answer to the Statement of Charges. During the hearing, the Department filed a Motion to Deem Allegations admitted. The Board granted the Department's motion. Dept. Exh. 2; Transcript, pp. 6-7.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence.

### *Findings of Fact*

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Respondent was issued licensed practical nurse license number 018150 on May 18, 1979. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 1-tab 2.
2. Pursuant to a Consent Order dated March 19, 2003, the Board ordered that respondent's licensed practical nurse be placed on probation for a period of four years. Such disciplinary action was based upon respondent's conduct that from approximately May 2002 through July 2002 she fraudulently obtained and used Ativan, Percocet, Klonopin and Ambien. Dept. Exh. 1-tab 1b.
3. The Consent Order specifically provided that respondent submit to observed, random urine screens for drugs and alcohol; engage in therapy with a therapist approved by the Department; provide therapist reports to the Department; not work for a personnel provider service; provide a copy of the Consent Order to her employer/s; and provide employer reports to the Department. Dept. Exh. 1-tab 1b.
4. On or about July 30, 2003 and September 30, 2003, respondent failed to appear for a screen when called to do so. Dept. Exh. 1-tab 1a.
5. On or about October 20, 2003, respondent submitted to a urine screen but failed to provide sufficient urine to allow for testing. She returned later that day and provided a sample. Dept. Exh. 1-tab 1a.
6. From approximately April 2003 to the present time, respondent has failed to engage in therapy. Dept. Exh. 1-tab 1a.
7. Respondent reported to the Department that she had engaged in therapy as required by the Consent Order in May 2003 and June 2003, however, at no time has the Department received reports from a therapist covering such time period. Dept. Exh. 1-tab 1a.
8. On or about April 15, 2003, respondent informed the Department that she was employed through CPH Staffing, a personnel provider service, at an insurance company, Health Direct, in a position that did not require a nursing license. Dept. Exh. 1-tab 1a.
9. On or about October 22, 2003, the Human Resources Department of Health Direct informed the Department that respondent had worked at Health Direct as a Case Reviewer, a position that required that she work under her nursing license. Dept. Exh. 1-tab 1a.

10. From April 2003 through October 2003, respondent worked under her nursing license at Health Direct. At no time during that period did the Department receive employer reports as required by the Consent Order. Dept. Exh. 1-tab 1a.

### *Conclusions of Law and Discussion*

In consideration of the above Findings of Fact, the following conclusions are rendered:

Lorraine Petrocelli held a valid licensed practical nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges provided sufficient legal notice as mandated by *Conn. Gen. Stat.* §§ 4-177(a) and (b), and 4-182(c). The hearing was held in accordance with *Conn. Gen. Stat.* Chapters 54 and 368a as well as §§ 19a-9-1 through 19a-9-29 of the Regulations of Connecticut State Agencies.

The Summary Suspension Order, Notice of Hearing, Statement of Charges, and the hearing process provided respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by *Conn. Gen. Stat.* § 4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

**PARAGRAPH 4** of the Statement of Charges alleges that on or about July 30, 2003 and September 30, 2003, respondent failed to appear for a drug screen when called to do so.

**PARAGRAPH 5** of the Statement of Charges alleges that on or about October 20, 2003, respondent submitted to a urine screen but failed to provide sufficient urine to allow for testing.

**PARAGRAPH 6** of the Statement of Charges alleges that from approximately April 2003 to the present time, respondent has failed to engage in therapy.

**PARAGRAPH 7** of the Statement of Charges alleges that in May and June 2003, respondent reported to the Department that she had engaged in therapy as required by the Consent Order. At no time has the Department received reports from a therapist covering such period of time.

**PARAGRAPH 11** of the Statement of Charges alleges that from April 2003 through October 2003, respondent worked under her nursing license at Health Direct. At no time during that period did the Department receive employer reports as required by the Consent Order.

**PARAGRAPH 12** of the Statement of Charges alleges that respondent's conduct constitutes violations of the terms of probation as set forth in the Consent Order, and subjects respondent's license to revocation or other disciplinary action authorized by the General Statutes of Connecticut, §§19a-17 and 20-99(b).

Respondent did not submit an Answer to the Statement of Charges. Pursuant to § 19a-9-20 of the Regulations of Connecticut State Agencies the Board deems the allegations in the Statement of Charges to be admitted.

Based on its findings, the Board concludes that respondent's conduct as alleged in the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct violates the terms of probation as set forth in the Consent Order dated March 19, 2003. Therefore, respondent's licensed practical nurse license is subject to disciplinary action pursuant to *Conn. Gen. Stat. § 19a-17*.

#### *Order*

Pursuant to its authority under *Conn. Gen. Stat. §§ 19a-17 and 20-99*, the Board of Examiners for Nursing hereby orders the following:

That for Paragraphs 4, 5, 6, 7, 11 and 12 of the Statement of Charges, respondent's licensed practical nurse license number 018150 is revoked effective the date this Memorandum of Decision is signed by the Board.

The Board of Examiners for Nursing hereby informs respondent, Lorraine Petrocelli, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this <sup>21<sup>st</sup></sup> ~~18<sup>th</sup>~~ day of <sup>July</sup> ~~August~~ 2004.

BOARD OF EXAMINERS FOR NURSING

By

